

Appl. No. 10/734,7653
Amdt. Dated November 16, 2005
Reply to Final Office Action of September 28, 2005

REMARKS

Claims 1-20 are pending in the application. Claims 2-6, 10-12 and 18 have been withdrawn from further consideration in response to a Restriction Requirement. Claims 1, 7-9, 13-17, 19 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Booker, U.S. Publication No. 2003/0045365.

Applicants are submitting this Amendment within two months of the date of the Final Office Action such that, if necessary, an Advisory Action can issue. In this regard, the Applicants respectfully request that the amendments herein be entered because they are clarifying amendments which are consistent with the arguments presented in the previous response. In other words, the claim amendments do not present any new issues for consideration but, rather, clarify the scope of the invention in view of the newly cited art in a manner consistent with the disclosure and the arguments previously presented. Additionally, the specification amendments were necessitated by the Examiner's concerns regarding the way in which the inventive track features of the present invention were illustrated in the drawings. Applicants further request that these amendments be entered because Applicants believe that they place the case in a condition for allowance or, at least, in a better form for appeal, if necessary.

Drawing Objections

Paragraph 2 of the Office Action objects to the drawings because they are misleading in that they give the appearance that the cross-groove joint shown has a longer axial stroke than is normally associated with a cross-groove joint. By the foregoing amendment to paragraph [0027] of the specification, Applicants submit that the Examiner's concerns have been addressed. Applicants agree that the axial plunge length of the illustrated joints may be viewed as longer than the axial plunge length typically associated with a cross-groove type constant velocity joint. Nevertheless, the subject matter of the invention is directed toward the notion of a normal axial range and an extended axial operating range wherein energy absorption features are engaged in the extended axial range. Furthermore, although the drawings may not look like a typical cross-groove joint, the specification and claims make it clear that the ball tracks

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are of the cross-groove type. Thus, Applicants believe that the present drawings provide a better understanding of the disclosed invention consistent with MPEP 608.02(d) and 37 C.F.R. 1.83 in that the track and energy absorption details are much more readily apparent and understandable as presently illustrated. Revising the drawings to illustrate a shorter axial stroke would only hinder Applicants' ability to adequately illustrate the structural detail of the claimed subject matter. For example, showing the stepped or tapered track in the extended range would be difficult if the axial dimensions were significantly shorter. Regardless, drawings are only evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art. Unless otherwise indicated, they are not considered to be drawn to scale. *See*, MPEP 2125. The amended specification paragraph makes it clear that the drawings are not to scale. For these reasons, Applicants submit that the clarifying amendment to the specification at paragraph [0027] overcomes the drawing objection in the Office Action.

Claim Rejections

Claims 1, 7-9, 13-17, 19 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Booker, U.S. Publication No. 2003/0045365A1. The Applicants traverse the rejection under 35 U.S.C. §102 and submit that a *prima facie* case of anticipation has not been established. As noted above, Applicants have made a clarifying amendment to each of independent claims 1, 9 and 19 which is consistent with Applicants' arguments in support of the claims as previously presented. Specifically, Applicants have consistently maintained that the present invention provides for a controlled energy dissipation during joint collapse, while maintaining the ability to transmit torque. Applicants thus submit that the present claims are novel in view of Booker because the present claims and the Booker reference differ. Specifically, the outer joint part and the inner joint part ball tracks of Booker lack the Applicants' claimed feature of "an outer extended axial range" and "an inner extended axial range." The plurality of torque-transmitting balls are guided in the outer and inner ball tracks throughout the normal and extended axial ranges such that the joint can still be operated, i.e. transmit torque, beyond its normal axial range during joint collapse.

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In contrast, the Booker device merely has a "rearward portion 34" at one end of the outer race surface 31 that does not even act as an energy absorption mechanism. Critically, the Booker reference lacks Applicants' claimed ball tracks having an inner and outer extended axial range. The torque-transmitting balls do not even contact the outer rearward portion 34 at the end of the outer ball track in Booker. Instead, the balls drop off of the inner ball tracks altogether and provide a very low resistance collapse of the joint. "The drop condition 37 is created by allowing the torque-transmitting balls 28 to cross the edge of the inner forward portion 35 prior to edge of the outer rearward portion 34 contacting the torque-transmitting balls 28." (Booker at paragraph [0022].) Thus, neither the inner ball tracks nor the outer ball tracks of Booker include any energy-absorption surfaces as claimed herein. The device of Booker is nothing like the claimed feature of Applicants' invention which provides for a controlled energy dissipation during joint collapse while maintaining the ability to transmit torque. In this regard, the Booker reference lacks the same claim features as the Welschof reference which Applicants overcame in the previous Office Action.

Accordingly, Applicant submit that a *prima facie* case of anticipation has not been established as the Booker reference does not disclose or suggest at least Applicants' claimed feature that the outer ball tracks and inner ball tracks include an outer and an inner extended axial range, respectfully, and that the device include one or more energy absorption surfaces within the outer extended axial range or inner extended axial range. Applicants therefore request that the rejections under 35 U.S.C. §102 be withdrawn because the reference fails to disclose or suggest each and every element of Applicants' claimed invention.

Conclusion

Having overcome all of the objections and rejections set forth in the Office Action, Applicants submit that the application and claims are in a condition for allowance. A Notice of Allowance indicating the allowability of claims 1, 7-9, 13-17, 19 and 20 should be issued. Applicants further request that the withdrawn claims be rejoined because

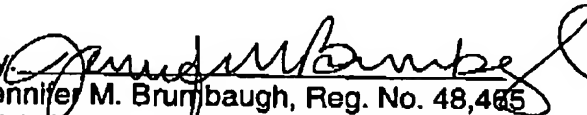
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claim 9 is generic to all species disclosed. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 377-1200 if any unresolved matters remain.

Respectfully Submitted,

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